

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 93 be amended to read as follows:

- 1 Page 1, line 4, strike "superintendent of public instruction,".
- 2 Page 2, line 1, after "of state," insert "**and**".
- 3 Page 2, strike "and state superintendent".
- 4 Page 2, line 2, strike "of public instruction,".
- 5 Page 2, line 19, strike "(6) Superintendent of public instruction.".
- 6 Page 2, between lines 25 and 26, begin a new paragraph and insert:
- 7 "SECTION 4. IC 3-10-2-6 IS AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2004]: Sec. 6. The following public officials
- 9 shall be elected in ~~2000~~ **2004** and every four (4) years thereafter:
- 10 (1) Governor.
- 11 (2) Lieutenant governor.
- 12 (3) Attorney general.
- 13 ~~(4) Superintendent of public instruction."~~
- 14 Page 3, line 4, strike "(H) Superintendent of public instruction.".
- 15 Page 3, line 6, delete "(I)" and insert "**(H)**".
- 16 Page 5, line 8, after "1998," insert "**before January 10, 2005,**".
- 17 Page 5, between lines 17 and 18, begin a new paragraph and insert:
- 18 SECTION 8. IC 4-2-6-8, AS AMENDED BY P.L.44-2001,
- 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2004]: Sec. 8. (a) The following persons shall file a written
- 21 financial disclosure statement:
- 22 (1) The governor, lieutenant governor, secretary of state, auditor
- 23 of state, treasurer of state, **and** attorney general. ~~and state~~
- 24 ~~superintendent of public instruction.~~
- 25 (2) Any candidate for one (1) of the offices in subdivision (1) who
- 26 is not the holder of one (1) of those offices.
- 27 (3) Any person who is the appointing authority of an agency.
- 28 (4) The director of each division of the department of
- 29 administration.
- 30 (5) Any purchasing agent within the procurement division of the

department of administration.

(6) An employee required to do so by rule adopted by the commission.

(b) The statement shall be filed with the commission as follows:

(1) Not later than February 1 of every year, in the case of the state officers and employees enumerated in subsection (a).

(2) Before filing a declaration of candidacy under IC 3-8-2, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5, or before a certificate of nomination is filed under IC 3-8-7-8, in the case of a candidate for one (1) of the state offices.

(3) Not later than sixty (60) days after employment or taking office, unless the previous employment or office required the filing of a statement under this section.

(4) Not later than thirty (30) days after leaving employment or office, unless the subsequent employment or office requires the filing of a statement under this section.

The statement must be made under affirmation.

(c) The statement shall set forth the following information for the preceding calendar year or, in the case of a state officer or employee who leaves office or employment, the period since a previous statement was filed:

(1) The name and address of any person known:

(A) to have a business relationship with the agency of the state officer or employee or the office sought by the candidate; and

(B) from whom the state officer, candidate, or the employee, or that individual's spouse or unemancipated children received a gift or gifts having a total fair market value in excess of one hundred dollars (\$100).

(2) The location of all real property in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children has an equitable or legal interest either amounting to five thousand dollars (\$5,000) or more or comprising ten percent (10%) of the state officer's, candidate's, or the employee's net worth or the net worth of that individual's spouse or unemancipated children. An individual's primary personal residence need not be listed, unless it also serves as income property.

(3) The names and the nature of the business of the employers of the state officer, candidate, or the employee and that individual's spouse.

(4) The following information about any sole proprietorship owned or professional practice operated by the state officer, candidate, or the employee or that individual's spouse:

(A) The name of the sole proprietorship or professional practice.

(B) The nature of the business.

(C) Whether any clients are known to have had a business relationship with the agency of the state officer or employee or the office sought by the candidate.

(D) The name of any client or customer from whom the state officer, candidate, employee, or that individual's spouse received more than thirty-three percent (33%) of the state officer's, candidate's, employee's, or that individual's spouse's nonstate income in a year.

(5) The name of any partnership of which the state officer, candidate, or the employee or that individual's spouse is a member and the nature of the partnership's business.

(6) The name of any corporation (other than a church) of which the state officer, candidate, or the employee or that individual's spouse is an officer or a director and the nature of the corporation's business.

(7) The name of any corporation in which the state officer, candidate, or the employee or that individual's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). A time or demand deposit in a financial institution or insurance policy need not be listed.

(8) The name and address of the most recent former employer.

(9) Additional information that the person making the disclosure chooses to include.

Any such state officer, candidate, or employee may file an amended statement upon discovery of additional information required to be reported.

(d) A person who:

(1) fails to file a statement required by rule or this section in a timely manner; or

(2) files a deficient statement;

upon a majority vote of the commission, is subject to a civil penalty at a rate of not more than ten dollars (\$10) for each day the statement remains delinquent or deficient. The maximum penalty under this subsection is one thousand dollars (\$1,000).

(e) A person who intentionally or knowingly files a false statement commits a Class A infraction.

SECTION 10. IC 4-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. As used in this chapter:

(1) "Agency" means any executive or administrative department, commission, council, board, bureau, division, service, office, officer, administration, or other establishment in the executive or administrative branch of the state government not provided for by the constitution. The term "agency" does not include the secretary of state, the auditor of state, the treasurer of state, the lieutenant governor, the state superintendent of public instruction **before January 10, 2005**, and the

attorney general, nor the departments of which they are, by the statutes first adopted setting out their duties, the administrative heads.

(2) "Reorganization" means:

(A) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency;

(B) the abolition of all or any part of the functions of any agency;

(C) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof;

(D) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof;

(E) the authorization of any officer to delegate any of his functions; or

(F) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of a reorganization plan will not have, any functions."

Page 7, line 3, delete "Superintendent" and insert **"Before January 10, 2005, the superintendent"**.

Page 7, between lines 32 and 33, begin a new paragraph and insert:
"SECTION 14. IC 6-1.1-19-4.1, AS AMENDED BY P.L.90-2002, SECTION 177, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4.1. (a) To assist the department of local government finance in deciding the merits of any appeal filed under IC 6-1.1-17 or under this chapter with the department by, or in respect of, any school corporation, there is established the school property tax control board. This board shall consist of five (5) voting members and two (2) ex officio nonvoting members. In addition, the school property tax control board may include not more than four (4) additional voting members who shall be appointed as follows:

(1) One (1) member is to be appointed by the president pro tempore of the senate and must be a business official of a school corporation who is not employed by a school corporation that is undergoing a construction project.

(2) One (1) member is to be appointed by the president pro tempore of the senate and must be an engineer knowledgeable in the construction of school buildings but who is not actively employed by an engineering firm that is involved in a school building construction project or who is not otherwise a party to a contract for engineering services for a school building construction project.

(3) One (1) member is to be appointed by the speaker of the house of representatives and must be an architect knowledgeable in the design of school buildings but who is not actively employed by an

1 architectural firm that is involved in a school building construction
 2 project or who is not otherwise a party to a contract for
 3 architectural services for a school building construction project.

4 (4) One (1) member is to be appointed by the speaker of the house
 5 of representatives and must be a financial adviser who is not
 6 actively employed as a financial adviser to a school corporation
 7 that is involved in a school building construction project or who
 8 is not otherwise a party to a contract for financial advisory
 9 services for a school building construction project.

10 Of the mandatory five (5) voting members, one (1) shall be appointed
 11 by the state board of accounts, one (1) shall be appointed by the
 12 department of local government finance, and three (3) shall be
 13 appointed by the governor. ~~The governor may seek the recommendation~~
 14 ~~of the state superintendent of public instruction with regard to one (1)~~
 15 ~~of the governor's appointments. Each of the remaining~~ Two (2) of the
 16 governor's appointees must be a citizen of Indiana who neither holds an
 17 elective or appointive office in the government of the state nor is
 18 regularly employed by the state. Each of the mandatory five (5) voting
 19 members and any additional voting members who may be appointed
 20 serves at the will of the appointing board or person. The speaker of the
 21 house of representatives shall appoint one (1) member of the house as
 22 one (1) of the ex officio nonvoting members of the tax control board.
 23 The president pro tempore of the senate shall appoint one (1) senator as
 24 the other ex officio nonvoting member of the tax control board. Each
 25 of the ex officio nonvoting members of the tax control board shall serve
 26 at the will of the appointing officer. A vacancy in the membership of the
 27 tax control board shall be filled by the appointing authority who made
 28 the appointment to the seat that is vacated. No member of the tax
 29 control board shall receive compensation for services as such a
 30 member, except as provided in subsections (g) and (h). Each of the
 31 members of the tax control board shall, before proceeding to the
 32 discharge of the member's duties as a member of the tax control board,
 33 subscribe and swear to a writing declaring the member's intention to
 34 support the Constitution of the United States and the Constitution of the
 35 State of Indiana and the member's intention to faithfully, honestly, and
 36 impartially discharge the member's duties as a member of the tax
 37 control board.

38 (b) The tax control board shall meet, as business may require, in
 39 rooms provided by the department of local government finance. The
 40 department of local government finance shall provide the tax control
 41 board with such staff and secretarial assistance as the tax control board
 42 may reasonably require. At each organizational meeting of the tax
 43 control board, which shall be held annually, the tax control board shall
 44 elect one (1) of its members chairman and another secretary.

45 (c) The department of local government finance shall promptly
 46 deliver to the tax control board every appeal petition that is filed under

1 IC 6-1.1-17 or under this chapter with the department by, or in respect
 2 of, any school corporation. The department of local government finance
 3 shall also promptly deliver to the tax control board other materials
 4 related to the appeal petition as the department shall then or thereafter
 5 possess. Upon receiving an appeal petition, the tax control board shall
 6 proceed immediately to examine the petition and to consider the merits
 7 of the school corporation's appeal.

8 (d) The tax control board may conduct hearings on any appeal
 9 petition that is before the tax control board, and the tax control board
 10 may require any officer or member of the school corporation whose
 11 appeal petition is under consideration by the tax control board to appear
 12 before the tax control board or to produce, before the tax control board,
 13 any books and records that the tax control board considers pertinent to
 14 the appeal, or both.

15 (e) If an officer or a member fails or refuses to appear at a hearing
 16 of the tax control board after having been given a written notice from
 17 the tax control board requiring the officer's or member's attendance, or
 18 fails or refuses to produce for the tax control board's use the books and
 19 records that the tax control board has, by written notice, required the
 20 officer or member to produce, the tax control board may file an
 21 affidavit in the circuit court in which jurisdiction of the person of the
 22 officer or member may be had, setting forth the facts of the failure or
 23 refusal. Upon the filing of the affidavit, the circuit court shall promptly
 24 issue a summons, and the sheriff of the county within which the circuit
 25 court is sitting shall serve the summons. The summons shall command
 26 the officer or member to appear before the tax control board, to provide
 27 information to the tax control board, or to produce books and records
 28 for the tax control board's use, as the case may be. Disobedience of the
 29 summons is punishable as a contempt of the circuit court that issued
 30 the summons.

31 (f) All expenses incident to the filing of the affidavit and the issuance
 32 and service of the summons under this section shall be charged to the
 33 officer or member against whom the summons is issued, unless the
 34 circuit court finds that the action of the officer or member was taken
 35 in good faith and with reasonable cause. If the court finds that the
 36 officer or member acted in good faith and with reasonable cause or if
 37 an affidavit has been filed without the issuance of a summons, the
 38 expenses shall:

- 39 (1) be charged against the county in which the affidavit has been
 40 filed; and
- 41 (2) be allowed by the proper fiscal officers of that county.

42 (g) Each member of the tax control board who is not a state
 43 employee is entitled to receive both of the following:

- 44 (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- 45 (2) Reimbursement for travel expenses and other expenses
 46 actually incurred in connection with the member's duties, as
 47 provided in the state travel policies and procedures established by

the Indiana department of administration and approved by the budget agency.

(h) Each member of the tax control board who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 15. IC 20-1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The Indiana state board of education is established. The board shall consist of **the following:**

(1) Ten (10) members appointed by the governor. ~~and~~

(2) The state superintendent of public instruction.

Of the ten (10) members appointed by the governor, a minimum of four (4) members must be persons who are actively employed in the schools in Indiana and who hold a valid teaching license. At least one (1) member must be appointed from each congressional district in Indiana. ~~No~~ **Not** more than six (6) members of the board may be appointed from the membership of any one (1) political party. A quorum consists of six (6) members of the board, and an action of the board is not official unless it is authorized by at least six (6) members. The **state** superintendent of public instruction shall serve as ~~chairman~~ **chair** of the board. Appointed board members shall serve for a term of four (4) years, unless dismissed before the expiration of four (4) years by the governor for just cause. Any appointment to fill a vacancy occurring on the board shall be for the unexpired term.

(b) The superintendent of public instruction shall appoint six (6) persons who shall serve on the advisory committee on textbook adoption. The state superintendent of public instruction or ~~his~~ **the state superintendent's** designee shall serve as a voting member of the committee. At least four (4) of the members of the advisory committee on textbook adoptions shall be actively employed in the schools in Indiana and hold a valid teaching license. ~~No~~ **Not** more than four (4) of the members of the committee may be appointed from the membership of any one (1) political party. The state superintendent or ~~his~~ **the state superintendent's** designee shall serve as ~~chairman~~ **chair** of the committee. Committee members shall serve at the pleasure of the superintendent of public instruction.

(c) The board and the committee shall meet at such times as they determine. The terms of office of the appointive members of the board shall commence on July 1.

(d) The board may establish other advisory committees as necessary to provide technical and professional assistance to the board.

(e) Whenever the board is required to conduct hearings under IC 4-21.5-3, the board may use hearing examiners who are not members of the board to conduct the hearings.

1 SECTION 16. IC 20-1-11.5-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. **After January 9,**
 3 **2005, the governor shall appoint the state** superintendent of public
 4 instruction. ~~shall be elected under IC 3-10-2-6 by the voters of the~~
 5 ~~state.~~ The term of office of the superintendent is four (4) years;
 6 beginning on the second Monday in January after election and
 7 continuing until a successor is elected and qualified. ~~of public~~
 8 **instruction serves at the pleasure of the governor for a salary**
 9 **fixed by the governor.**

10 SECTION 17. IC 20-1-20.5-4, AS AMENDED BY P.L.112-2002,
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2004]: Sec. 4. The roundtable consists of the following
 13 members:

14 (1) A number of members appointed ~~jointly~~ by the governor. ~~and~~
 15 ~~the superintendent of public instruction.~~ These members must be
 16 representatives of:

17 (A) business and community leaders;

18 (B) elementary and secondary education, including programs
 19 for exceptional learners (as defined in IC 20-10.2-2-5.5); and

20 (C) higher education.

21 The number of members appointed under clause (A) must be
 22 equal to the number of members appointed under clauses (B) and
 23 (C).

24 (2) Two (2) members appointed by the president pro tempore of
 25 the senate from different political parties.

26 (3) Two (2) members appointed by the speaker of the house of
 27 representatives from different political parties.

28 SECTION 18. IC 20-1-20.5-6, AS ADDED BY P.L.146-1999,
 29 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2004]: Sec. 6. (a) The ~~governor and the state~~ superintendent
 31 of public instruction ~~shall jointly serve~~ serves as ~~cochairpersons~~ **chair**
 32 of the roundtable. The roundtable shall meet upon the call of the
 33 ~~cochairpersons.~~ **chair.**

34 (b) A quorum of the roundtable must be present to conduct
 35 business. A quorum consists of a majority of the voting members
 36 appointed to the roundtable. The roundtable may not take an official
 37 action unless the official action has been approved by at least a majority
 38 of the voting members appointed to serve on the roundtable.

39 SECTION 19. IC 20-5.5-3-11, AS AMENDED BY P.L.1-2002,
 40 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2004]: Sec. 11. (a) This section applies if the sponsor rejects
 42 a proposal.

43 (b) The organizer may appeal the decision of the sponsor to the
 44 charter school review panel created under subsection (c).

45 (c) The charter school review panel is created. The members of the
 46 panel are **the following:**

- 1 (1) ~~the governor or~~ The governor's designee.
- 2 (2) The state superintendent of public instruction, who shall chair
- 3 the panel.
- 4 (3) A member of the board appointed by the state superintendent
- 5 of public instruction.
- 6 (4) A person with financial management experience appointed by
- 7 the governor. ~~and~~
- 8 (5) A community leader with knowledge of charter school issues
- 9 appointed ~~jointly~~ by the governor. ~~and the state superintendent of~~
- 10 ~~public instruction.~~

11 Members shall serve a two (2) year term and may be reappointed to the
12 panel upon expiration of their terms.

13 (d) All decisions of the panel shall be determined by a majority vote
14 of the panel's members.

15 (e) Upon the request of an organizer, the panel shall meet to consider
16 the organizer's proposal and the sponsor's reasons for rejecting the
17 proposal. The panel must allow the organizer and sponsor to participate
18 in the meeting.

19 (f) After the panel meets under subsection (e), the panel shall make
20 one (1) of the following three (3) findings and issue the finding to the
21 organizer and the sponsor:

- 22 (1) A finding that supports the sponsor's rejection of the proposal.
- 23 (2) A finding that:
 - 24 (A) recommends that the organizer amend the proposal; and
 - 25 (B) specifies the changes to be made in the proposal if the
 - 26 organizer elects to amend the proposal.
- 27 (3) A finding that approves the proposal.

28 The panel shall issue the finding not later than forty-five (45) days after
29 the panel receives the request for review.

30 (g) If the panel makes a finding described in subsection (f)(1), the
31 finding is final.

32 (h) If the panel makes a finding described in subsection (f)(2), the
33 organizer may amend the proposal according to the panel's
34 recommendations and resubmit the proposal directly to the panel.

35 (i) If the panel makes a finding described in subsection (f)(3), the
36 proposal is considered conditionally approved. The approval shall be
37 considered final upon the delivery to the panel of written notice from
38 the organizer and an eligible sponsor, as identified in IC 20-5.5-1-15,
39 that the sponsor has agreed to serve as a sponsor for the proposal
40 approved by the panel.

41 (j) Proposals approved under this section shall not be counted under
42 any numerical limits placed upon a sponsor or set of sponsors.

- 1 SECTION 16. IC 3-8-1-10.5 IS REPEALED [EFFECTIVE JULY 1,
- 2 2004]".
- 3 Renumber all SECTIONS consecutively.
 (Reference is to SB 93 as printed January 23, 2004.)

Senator HUME